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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------------|
| 10/696,716 | 10/28/2003 | Toshiyasu Morita. | 16869D-059900US | 6473 |
| 20350 7590 05/01/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | EXAMINER WALTER, CRAIG E | |
| | | | ART UNIT 2188 | PAPER NUMBER |
| | | | MAIL DATE 05/01/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10696716 | 10/28/2003 | MORITA ET AL. | 16869D-059900US |

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

Craig E. Walter

| ART UNIT | PAPER |
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2188

20070423

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Responsive Amendment attached.


Craig E. Walter
Examiner Art Unit 2188

Response to Amendment

1. The reply filed on 21 February 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

According to MPEP § 714.02, "The requirements of 37 CFR 1.111(b) must be complied with by pointing out the specific distinctions believed to render the claims patentable over the references in presenting arguments in support of new claims and amendments". Applicant has failed to meet the requirements of 1.111(b), as the arguments with respect to the patentability of newly presented claims 65-74 fail to distinctly contrast the instant claims with previously cited relevant art. Further, 37 CFR 111(b) states, "A general allegation that the claims define a patentable invention without specifically pointing out *how the language of the claims* patentably distinguishes them from the references does not comply with the requirements of this section" (emphasis added). More specifically, Applicant failed to draw a distinction between the newly added claims and the previously cited Hasbun reference. This distinction is believed to be vital in ascertaining the patentability of the claims due to overlapping subject matter between previously pending claim 31 (in which Examiner previously asserted the Hasbun reference anticipated), and newly added claim 65 (i.e. both claims recite "detecting a write operation to a memory including a re-programmable non-volatile memory"). Applicant is hereby requested to specifically point out how the newly added instant claims are believed to be patentably distinct from this previously cited prior art. Additionally, Applicant's discussion of the newly added claims as compared to the previously cited Tobita reference seems to merely amount to a "general allegation" as to

Art Unit: 2188

how the instant invention (referring to cited lines and drawings within the specification, rather than the claim language itself) allegedly overcomes Tobita, rather than pointing to specific, positively recited elements in each independent claim.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

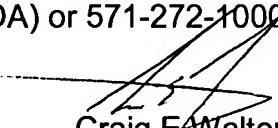
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig E. Walter whose telephone number is (571) 272-8154. The examiner can normally be reached on 8:30a - 5:00p M-F.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2188

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Craig E. Walter
Examiner
Art Unit 2188

CEW



HYUNG SOUGH
SUPERVISORY PATENT EXAMINER

4-22-07